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6 DISTRICT COURT OF GUAM
7 TERRITORY OF GUAM

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9 LOURDES P. AGUON-SCHULTE,

Civil Case No. 04-00045

10 Plaintiff,

11 vs.

12 THE GUAM ELECTION COMMISSION,
13 *et al.*,

14 Defendants.

15 JAY MERRILL, on his own behalf an on
16 behalf of all other similarly situated voters
desirous of casting a vote in favor or
Proposal A at a fair and legal election,

Civil Case No. 04-00046

17 Plaintiffs,

18 vs.

19 THE GUAM ELECTION COMMISSION,
20 *et al.*,


21 Defendants.

ORDER

22 The above-captioned cases were originally filed in the Superior Court of Guam, but later
23 removed to this Court by the Attorney General of Guam, allegedly on behalf of all defendants. The
24 complaints in both cases are almost identical, the only difference being in the description of the
25 plaintiffs. Both complaints raised the same three causes of action and sought the same relief. The
26 case involving Ms. Aguon-Schulte listed herself as the only plaintiff, however, the second case was
27 brought by Mr. Merrill on behalf of a purported class of registered voters. Ms. Aguon-Schulte
28 would potentially be a class member in the second case. Because these actions involve common

1 questions of law or fact, the Court hereby consolidates the cases under Rule 42(a) of the Federal
2 Rules of Civil Procedure¹. Consolidation is appropriate because it would promote judicial efficiency
3 and tend to prevent unnecessary costs or delay. Accordingly, all future pleadings filed in these cases
4 shall contain both case captions but shall be maintained by the Clerk's Office in the second case
5 (Civil Case No. 04-00046).

6 SO ORDERED this 23rd day of November 2004.

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8 JOAQUIN V.E. MANIBUSAN, JR.
9 U.S. Magistrate Judge
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26 ¹ The decision whether to consolidate actions is left to the sound discretion of the trial court.
27 Shump v. Balka, 574 F.2d 1341, 1344 (10th Cir. 1978). In appropriate circumstances, a court can
28 *sua sponte* consolidate cases before it, whether or not the parties want the cases consolidated.
Connecticut Gen. Life Ins. Co. v. Sun Life Assur. Co. Of Can., 210 F.3d 771, 774 (7th Cir. 2000).